

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAVID AGUILAR,

Plaintiff,

vs.

J. TAFELMEYER, *et al.*,

Defendant.

3:23-cv-547-ART-CSD

ORDER

This case involves an Eighth Amendment excessive force claim by Plaintiff David Aguilar against defendants Johnson, Tafelmeyer, Mahon, and Sheeks. On August 26, 2024, Plaintiff filed a motion to amend the complaint. (ECF No. 38.) In a Report and Recommendation (R&R), Magistrate Judge Denney recommended that the motion to amend be denied. (ECF No. 45.) Shortly after the R&R was filed, Plaintiff withdrew his motion to amend. (ECF No. 46.) Plaintiff subsequently filed a second motion to amend (ECF No. 47), which the Court will consider in due course.

Because Plaintiff has withdrawn the underlying motion, the Court rejects the R&R (ECF No. 45) and denies Plaintiff's first motion to amend (ECF No. 38) as moot.

Dated this 25<sup>th</sup> day of October 2024.



ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE